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7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 SERVICE EMPLOYEES INTERNATIONAL ) No. 5:07-CV-05158- JF
UNION, LOCAL 715, )
12 ) DECLARATION OF BRUCE A.
Petitioner, ) HARLAND IN SUPPORT OF LOCAL
13 ) 715'S MOTION TO COMPEL
v. ) ARBITRATION
14 )
STANFORD HOSPITAL & CLINICS and ) Date: August 29, 2008
15 LUCILE PACKARD CHILDREN'S ) Time: 9:00 a.m.
HOSPITAL, ) Judge: Hon. Jeremy Fogel
16 ) Courtroom: 3, 5 <sup>th</sup> fl.
)
17 Respondents. )
)
18 )
_____ )

1 I, Bruce A. Harland, hereby declare as follows:

2 1. I am an attorney at law, admitted to practice before this Court, and a shareholder  
3 with the law firm of Weinberg, Roger and Rosenfeld, attorneys for SEIU, Local 715 in the above-  
4 referenced matter. I make this declaration upon my personal knowledge, and, if called as a  
5 witness, I could competently testify to the facts hereinafter stated.

6 2. Attached as Exhibit A are true and correct copies of the relevant pages of a  
7 transcript in an arbitration proceeding before Arbitrator Thomas Angelo on November 28, 2007,  
8 involving the grievance of Victor Acosta.

9 3. Attached as Exhibit B are true and correct copies of Stanford Hospital and Clinics  
10 and Lucile Packard Children's Hospital's responses to requests for admissions.

11 I declare under penalty of perjury under the laws of the United States of America and the  
12 State of California that the foregoing is true and correct. Executed this 18th day of July 2008 in  
13 Alameda, California.

14  
15 /s/BRUCE A. HARLAND  
BRUCE A. HARLAND

16 117986/500199

IN ARBITRATION PROCEEDINGS  
BEFORE HONORABLE THOMAS ANGELO, LABOR ARBITRATOR

In re: an arbitration between )

STANFORD HOSPITAL & CLINICS )

LUCILE PACKARD CHILDREN'S )

HOSPITAL, )

Complainant, )

and )

SEIU LOCAL 715, )

Respondent. )

Grievance of Victor Acosta )

**CERTIFIED COPY**

) FMCS No. 070420-55892-A

TRANSCRIPT OF PROCEEDINGS

PALO ALTO, CALIFORNIA

NOVEMBER 28, 2007

REPORTED BY: JANE H. STULLER, CSR NO. 7223  
(401481)

**M E R R I L L L E G A L S O L U T I O N S**

## PROCEEDINGS November 28, 2007

1 to hear this dispute.

2 Joint Exhibit 6 is a letter over my signature  
3 to the parties dated July 10, 2007 indicating today  
4 would be the date for the hearing.

5 Joint Exhibit 7 is a step-two decision from the  
6 hospital dated April 5, 2007. It has attached -- it's a  
7 two-page decision. It has attached, apparently, the  
8 invocation from the union I previously described.

9 I should also note there has been some  
10 correspondence between the parties and the arbitrator  
11 regarding another matter. I'm assuming that will be  
12 discussed at our next event.

13 [ Let me also say that the parties have agreed  
14 that with respect to the dispute itself, the issues  
15 would be whether the grievant was terminated for just  
16 cause; and if not, what should the remedy be.

17 The parties have also agreed that should we  
18 proceed further today, the matter is properly before the  
19 arbitrator for resolution and that all time limits and  
20 requirements to the contract with respect to the  
21 processing of the grievance and invocation of  
22 arbitration have been satisfied.

23 And they further agree that should I issue a  
24 decision, an award in this matter, I may retain  
25 jurisdiction to resolve any disputes over the meaning or ]

PROCEEDINGS November 28, 2007

1 application of the decision and award.

2 I've indicated the documents I previously  
3 described are provisionally marked as joint exhibits. I  
4 won't admit them at this point in light of what I  
5 understand to be a procedural matter, and I will ask if  
6 the parties wish to address that question at this point.

7 MR. ARNOLD: The Employer does.

8 THE ARBITRATOR: Okay. Mr. Arnold, the floor  
9 is yours.

10 MR. ARNOLD: Mr. Arbitrator, as you are aware  
11 from prior conversations, there is an underlying issue  
12 that is fundamental to the arbitration of this  
13 grievance, a grievance challenging the termination of  
14 the grievant, Victor Acosta for theft.

15 But that underlying issue has nothing to do  
16 with the merits of the grievance itself. That issue  
17 involves a dispute concerning the status of individuals  
18 and entities purporting to act as the representatives of  
19 SEIU Local 715 and of the bargaining unit employee at  
20 the Stanford Hospital and Clinics and Lucile Packard  
21 Children's Hospital.

22 While that issue is unrelated to the merits of  
23 the particular grievance for which you were selected, it  
24 is nevertheless a threshold issue. For if the  
25 individuals and entities attempting to appear here as



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Attorneys for Petitioners Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**STANFORD HOSPITAL & CLINICS and**  
**LUCILE PACKARD CHILDREN'S**  
**HOSPITAL**

**Petitioners,**

**v.**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715**

**Respondent.**

**Case No: 5:07-CV-05158 JF**

**PETITIONER LUCILE PACKARD**  
**CHILDREN'S HOSPITAL'S**  
**RESPONSE TO RESPONDENT'S**  
**REQUEST FOR ADMISSIONS**  
**UNDER RULE 36 (SET ONE)**

**Judge: Hon. Jeremy Fogel**

**PROPOUNDING PARTY: SERVICE EMPLOYEES INTERNATIONAL UNION,**  
**LOCAL 715**

**RESPONDING PARTY: LUCILE PACKARD CHILDREN'S HOSPITAL**

**SET NUMBER: ONE**

Petitioner Lucile Packard Children's Hospital ("LPCH") responds to the requests for admissions (set one) propounded by respondent Service Employees International Union, Local 715 ("Local 715") as follows:

**REQUEST FOR ADMISSION NO. 1:**

Admit that Lucile Packard Children's Hospital, through its counsel, stipulated that the



1 United States District for the Northern District has personal jurisdiction by virtue of Section 301  
2 of the Labor-Management Relations Act.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

4 LPCH admits that it alleged in its Petition To Vacate Arbitration Award (the "Petition")  
5 that the United States District Court has jurisdiction over this action by virtue of Section 301 of  
6 the Labor Management Relations Act.

7 **REQUEST FOR ADMISSION NO. 2:**

8 Admit that Lucile Packard Children's Hospital is an employer engaged in an industry  
9 affecting commerce as defined by the National Labor Relations Act.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

11 Admitted.

12 **REQUEST FOR ADMISSION NO. 3:**

13 Admit that SEIU, Local 715 is an organization that employees at Lucile Packard  
14 Children's Hospital participate in and which exists for the purpose, in whole or in part, of dealing  
15 with Lucile Packard Children's Hospital concerning grievances, labor disputes, wages, rates of  
16 pay, hours of employment, or conditions of work.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

18 LPCH admits that prior to March 1, 2007 or thereabouts, Local 715 was an organization  
19 that employees at LPCH participated in and which existed for the purpose, in whole or in part, of  
20 dealing with LPCH concerning grievances, labor disputes, wages, rates of pay, hours of  
21 employment, or conditions of work. After reasonable inquiry, based on information presently  
22 known or reasonably available, LPCH lacks sufficient information at this time to admit or deny  
23 that Local 715 maintained this status after March 1, 2007. Discovery is ongoing.

24 **REQUEST FOR ADMISSION NO. 4:**

25 Admit that Lucile Packard Children's Hospital deals with SEIU, Local 715 Shop  
26 Stewards over grievances.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

28 LPCH admits that it deals over grievances with persons who, prior to March 1, 2007,



1 were designated by Local 715 as shop stewards.

2 **REQUEST FOR ADMISSION NO. 5:**

3 Admit that Lucile Packard Children's Hospital deals with SEIU, Local 715 Shop  
4 Stewards over labor disputes.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

6 LPCH denies that, apart from grievances as described above, there been any labor  
7 disputes about which it would deal with any person.

8 **REQUEST FOR ADMISSION NO. 6:**

9 Admit that Lucile Packard Children's Hospital deals with SEIU, Local 715 Shop  
10 Stewards over rates of pay.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

12 LPCH admits that it has given notices regarding rates of pay to persons who, prior to  
13 March 1, 2007, were designated by Local 715 as shop stewards, but denies that it has dealt with  
14 anyone over rates of pay since March 1, 2007.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that Lucile Packard Children's Hospital deals with SEIU, Local 715 Shop  
17 Stewards over hours of employment.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

19 LPCH admits that it deals over hours of employment with persons who, prior to March 1,  
20 2007, were designated by Local 715 as shop stewards.

21 **REQUEST FOR ADMISSION NO. 8:**

22 Admit that Lucile Packard Children's Hospital deals with SEIU, Local 715 Shop  
23 Stewards over conditions of work.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

25 LPCH admits that it deals over conditions of work with persons who, prior to March 1,  
26 2007, were designated by Local 715 as shop stewards.

27 **REQUEST FOR ADMISSION NO. 9:**

28 Admit that SEIU, Local 715 is a labor organization representing employees in an industry

1 affecting commerce as defined by the National Labor Relations Act.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

3 LPCH alleged in the Petition To Vacate the Arbitrator's decision issued concerning a  
4 grievance filed on or about April 25, 2006, and referred by Local 715 to arbitration prior to  
5 March 1, 2007, that Local 715 is "a labor organization representing employees in an industry  
6 affecting commerce within the territorial jurisdiction of this Court within the meaning of Section  
7 301." LPCH admits that at the time the grievance was filed, and at the time it was referred to  
8 binding arbitration, both prior to March 1, 2007, Local 715 was a labor organization representing  
9 employees in an industry affecting commerce as defined by the National Labor Relations Act.  
10 After reasonable inquiry, based on information presently known or reasonably available, LPCH  
11 lacks sufficient information at this time to admit or deny that Local 715 maintained this status  
12 after March 1, 2007. Discovery is ongoing.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that the Director of Employee and Labor Relations, Laurie Quintel, testified under  
15 oath on May 9, 2008 before an Administrative Law Judge of the National Labor Relations Board  
16 that Stanford Hospital and Clinics and Lucile Packard Children's Hospital deals with SEIU,  
17 Local 715 Shop Stewards with respect to the wages, hours, and terms and conditions of  
18 employment regarding workers represented by SEIU, Local 715.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

20 LPCH denies that Director of Employee and Labor Relations Laurie Quintel testified  
21 under oath in any forum on May 9, 2008. LPCH admits that Ms. Quintel testified at a hearing  
22 before Administrative Law Judge John J. McCarrick on May 6, 2008, but denies that her  
23 testimony was as described above.

24 **REQUEST FOR ADMISSION NO. 11:**

25 Admit that the National Labor Relations Board has certified SEIU, Local 715 as the  
26 exclusive representative of employees at Stanford Hospital and Clinics and Lucile Packard  
27 Children's Hospital pursuant to a Certification of Representation issued by the National Labor  
28 Relations Board in Case No. 32-RC-4504, as modified in Case No. 32-UC-363.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

2 LPCH admits that, pursuant to an order of the National Labor Relations Board dated  
3 November 30, 1998 in Case No. 32-RC-4504, as modified in Case No. 32-UC-363, SEIU Local  
4 715, AFL-CIO, CLC was certified as the exclusive collective-bargaining representative of a  
5 group of employees of LPCH and Stanford Hospital And Clinics ("SHC") as set forth in that  
6 order.

7 **REQUEST FOR ADMISSION NO. 12:**

8 Admit that Stanford Hospital and Clinics and Lucile Packard Children's Hospital  
9 recognizes SEIU, Local 715 as the sole and exclusive representative for the purpose of collective  
10 bargaining for all full-time, part-time, and relief non-professional employees performing service  
11 and patient care functions employed at Stanford Hospital, Lucile Packard Children's Hospital,  
12 Welch Road and Blake Wilbur Drive.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

14 LPCH admits that it recognized Local 715 as the sole and exclusive representative for the  
15 purposes of collective bargaining for all full-time, part-time, and relief non-professional  
16 employees performing service and patient care functions employed at Stanford Hospital, Lucile  
17 Packard Children's Hospital, Welch Road and Blake Wilbur Drive until March 1, 2007 or  
18 thereabouts. LPCH believes that, after March 1, 2007 or thereabouts, Local 715 effectively  
19 ceased to exist and/or attempted to transfer its representational rights to Service Employees  
20 International Union, United Healthcare Workers – West. Discovery is continuing.

21 **REQUEST FOR ADMISSION NO. 13:**

22 Admit that Lucile Packard Children's Hospital has not withdrawn recognition of SEIU,  
23 Local 715.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

25 Admitted.

26 **REQUEST FOR ADMISSION NO. 14:**

27 Admit that the Director of Labor Relations, Laurie Quintel, testified under oath on  
28 May 9, 2008 before an Administrative Law Judge of the National Labor Relations Board that

1 Lucile Packard Children's Hospital has not withdrawn recognition of SEIU, Local 715.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

3 LPCH denies that Director of Employee and Labor Relations Laurie Quintel testified  
4 under oath in any forum on May 9, 2008. LPCH admits that Ms. Quintel testified at a hearing  
5 before Administrative Law Judge John J. McCarrick on May 6, 2008, and that at that hearing,  
6 she testified that, at that time, LPCH had not withdrawn recognition from of Local 715.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that there is a collective bargaining agreement between SEIU, Local 715 and  
9 Stanford Hospital and Clinics and Lucile Packard Children's Hospital, effective January 20,  
10 2006 through November 4, 2008.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

12 LPCH admits that, prior to March 1, 2007, LPCH and Local 715 negotiated and executed  
13 a collective bargaining agreement, which agreement bears the effective dates of January 20, 2006  
14 through November 4, 2008.

15 **REQUEST FOR ADMISSION NO. 16:**

16 Admit that SEIU, Local 715 enjoys an irrebuttable presumption of continuing majority  
17 status for the duration of the collective bargaining agreement between Stanford Hospital and  
18 Clinics and Lucile Packard Children's Hospital.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

20 LPCH admits that, if Local 715 in fact continues to exist, and if it has not transferred its  
21 representational right to another labor organization, whether properly or improperly, it would  
22 enjoy an irrebuttable presumption of continuing majority support for the duration of the  
23 collective bargaining agreement between LPCH and Local 715.

24 **REQUEST FOR ADMISSION NO. 17:**

25 Admit that Stanford Hospital and Clinics and Lucile Packard Children's Hospital filed  
26 three unfair labor practice charges, Case Nos. 32-CB-6237, 32-CB-5350 and 32-CB-6351,  
27 alleging that SEIU, Local 715 failed to provide relevant and necessary information to Stanford  
28 Hospital and Clinics and Lucile Packard Children's Hospital, pursuant to its obligation as a labor

1 organization under the National Labor Relations Act.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

3 LPCH admits that, on or around April 16, 2007, it filed an unfair labor practice charge  
4 against Local 715 designated Case No. 32-CB-6237 stating as the basis of the charge that:

5  
6 Despite repeated requests, the Union refuses to provide the  
7 Employer with sufficient information to permit the Employer  
8 to determine whether the Union continues to exist as an active  
9 labor organization within the meaning of the Act.

10 Repeated calls to the telephone number for the Union yield  
11 the response that it no longer exists. The Union's website,  
12 SEIU715.org, transfers the visitor to a website for SEIU521,  
13 which advises that SEIU Local 715 is now part of that local,  
14 and that the resources of Local 715 and four (4) other locals  
15 have been transferred to Local 521.

16 LPCH admits that, on or around October 19, 2007, it filed an unfair labor practice charge  
17 against Local 715 designated Case No. 32-CB-6350 stating as the basis of the charge that:

18 The Union has failed and refused to provide information  
19 concerning whether the firm of Weinberg Roger & Rosenfeld  
20 is providing representational services directly on behalf of the  
21 Union, or on behalf of SEIU-UHW pursuant to an invalid  
22 servicing agreement between the Union and SEIU-UHW,  
23 which servicing agreement has previously been rejected by  
24 the Employer.

25 LPCH admits that, on or around October 19, 2007, it filed an unfair labor practice charge  
26 against Local 715 designated Case No. 32-CB-6351 stating as the basis of the charge that:

27 The Union has refused to provide requested information  
28 relevant to the status and viability of SEIU, Local 715, for  
each month in the period from the announcement of the  
merger of Local 715 and four (4) other locals into Local 521  
until the purported appointment of a "trustee" for SEIU,  
Local 715 by SEIU International.

29 **REQUEST FOR ADMISSION NO. 18:**

30 Admit that Region 32 of the National Labor Relations Board issued a Complaint, on  
31 behalf of Stanford Hospital and Clinics and Lucile Packard's Children's Hospital, against SEIU,  
32

1 Local 715 in Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

3 LPCH admits that Region 32 of the National Labor Relations Board issued a complaint in  
4 Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351. LPCH denies that the complaint was  
5 issued on behalf of LPCH and/or SHC.

6 **REQUEST FOR ADMISSION NO. 19:**

7 Admit that Region 32 of the National Labor Relations Board alleged that SEIU,  
8 Local 715 “is now, and has been at all times material herein, a labor organization within the  
9 meaning of Section 2(5) of [the National Labor Relations] Act.”

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

11 LPCH admits that Region 32 of the National Labor Relations Board issued a complaint in  
12 Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351, and that Paragraph 4 of that complaint  
13 states that: “Respondent is now, and has been at all times material herein, a labor organization  
14 within the meaning of Section 2(5) of the Act.”

15 **REQUEST FOR ADMISSION NO. 20:**

16 Admit that at no time during the hearing, on May 9, 2008, did Stanford Hospital and  
17 Clinics and Lucile Packard Children’s Hospital object to the allegation that SEIU, Local 715 “is  
18 now, and has been at all times material herein, a labor organization within the meaning of  
19 Section 2(5) of [the National Labor Relations] Act.”

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

21 LPCH denies that any hearing took place on May 9, 2008. LPCH further denies that it  
22 was in a position to object to, or otherwise file pleadings responsive to the Complaint issued by  
23 Region 32 of the National Labor Relations Board.

24 **REQUEST FOR ADMISSION NO. 21:**

25 Admit that had Stanford Hospital and Clinics and Lucile Packard Children’s Hospital  
26 objected to the allegation that SEIU, Local 715 “is now, and has been at all times material herein,  
27 a labor organization within the meaning of Section 2(5) of [the National Labor Relations] Act”  
28 the Complaint issued by Region 32 of the National Labor Relations Board would have been



1 dismissed because of SEIU, Local 715's lack of standing as a labor organization.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

3 LPCH objects to Request For Admission No. 21 on the grounds that it requests an  
4 admission based on speculation regarding the hypothetical actions of third parties based upon a  
5 hypothetical fact pattern. As LPCH cannot ascertain such facts, it can neither admit nor deny the  
6 content of the request for admission.

7 **REQUEST FOR ADMISSION NO. 22:**

8 Admit that because SEIU, Local 715 is an existing labor organization, under Section 8(g)  
9 of the National Labor Relations Act, if it chose to engage in any strike, picketing, or other  
10 concerted refusal to work at Stanford Hospital and Clinics and Lucile Packard Children's  
11 Hospital, it must notify in writing Stanford Hospital and Clinics and Lucile Packard Children's  
12 Hospital and the Federal Mediation and Conciliation Service of its intent to do so, not less than  
13 ten days prior to engaging in any strike, picketing, or other concerted refusal to work.

14 ///

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**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

LPCH objects to the request for admission on the grounds that it seeks information that is not relevant to a claim or defense of any party and that it calls for a conclusion of law. Notwithstanding such objections, LPCH admits that if Local 715 is in fact a labor organization, it would be required to give notice to LPCH and SHC before engaging in any strike, picketing, or other refusal to work at LPCH and/or SHC under Section 8(g) of the National Labor Relations Act, and that, if Local 715 is in fact a labor organization, it would be prohibited from engaging in a strike, concerted refusal to work, or any picketing other than informational picketing against LPCH and/or SHC by an existing collective bargaining agreement, whether or not it gave the notice required under Section 8(g).

Dated: July 17, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R. RIDLEY  
SCOTT P. INCIARDI

By:



EILEEN R. RIDLEY  
Attorneys for Petitioners  
Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital

**VERIFICATION**

I, Laurie J. Quintel, declare:

I am the Director of Employee and Labor Relations for Lucile Packard Children's Hospital ("LPCH"), and am authorized to make this verification for, and on behalf of, LPCH. I have read LPCH's "Response To Respondent's Request For Admissions Under Rule 36 (Set One)" and know its contents. The information is true and correct of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: July 10, 2008

  
LAURIE J. QUINTEL

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **July 11, 2008**, I served the foregoing document(s) described as: **PETITIONER LUCILE PACKARD CHILDREN'S HOSPITAL'S RESPONSE TO RESPONDENT'S REQUEST FOR ADMISSIONS UNDER RULE 36 (SET ONE), Case No. 5:07-CV-05158-JF**, on the interested parties in this action as follows:

☒ BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

☒ BY EXPRESS SERVICE CARRIER (**Via Overnight Courier Service**)

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **July 11, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Patricia A. Lee

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507  
  
LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Petitioners Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL**

**Petitioners,**

**v.**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715**

**Respondent.**

**Case No: 5:07-CV-05158 JF**

**PETITIONER STANFORD  
HOSPITAL AND CLINICS'  
RESPONSE TO RESPONDENT'S  
REQUEST FOR ADMISSIONS  
UNDER RULE 36 (SET ONE)**

**Judge: Hon. Jeremy Fogel**

**PROPOUNDING PARTY: SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 715**

**RESPONDING PARTY: STANFORD HOSPITAL AND CLINICS**

**SET NUMBER: ONE**

Petitioner Stanford Hospital And Clinics ("SHC") responds to the requests for admissions (set one) propounded by respondent Service Employees International Union, Local 715 ("Local 715") as follows:

**REQUEST FOR ADMISSION NO. 1:**

Admit that Stanford Hospital and Clinics, through its counsel, stipulated that the United

1 States District for the Northern District has personal jurisdiction by virtue of Section 301 of the  
2 Labor-Management Relations Act.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

4 SHC admits that it alleged in its Petition To Vacate Arbitration Award (the "Petition")  
5 that the United States District Court has jurisdiction over this action by virtue of Section 301 of  
6 the Labor Management Relations Act.

7 **REQUEST FOR ADMISSION NO. 2:**

8 Admit that Stanford Hospital and Clinics is an employer engaged in an industry affecting  
9 commerce as defined by the National Labor Relations Act.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

11 Admitted.

12 **REQUEST FOR ADMISSION NO. 3:**

13 Admit that SEIU, Local 715 is an organization that employees at Stanford Hospital and  
14 Clinics participate in and which exists for the purpose, in whole or in part, of dealing with  
15 Stanford Hospital and Clinics concerning grievances, labor disputes, wages, rates of pay, hours  
16 of employment, or conditions of work.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

18 SHC admits that prior to March 1, 2007 or thereabouts, Local 715 was an organization  
19 that employees at SHC participated in and which existed for the purpose, in whole or in part, of  
20 dealing with SHC concerning grievances, labor disputes, wages, rates of pay, hours of  
21 employment, or conditions of work. After reasonable inquiry, based on information presently  
22 known or reasonably available, SHC lacks sufficient information at this time to admit or deny  
23 that Local 715 maintained this status after March 1, 2007. Discovery is ongoing.

24 **REQUEST FOR ADMISSION NO. 4:**

25 Admit that Stanford Hospital and Clinics deals with SEIU, Local 715 Shop Stewards over  
26 grievances.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

28 SHC admits that it deals over grievances with persons who, prior to March 1, 2007, were

1 designated by Local 715 as shop stewards.

2 **REQUEST FOR ADMISSION NO. 5:**

3 Admit that Stanford Hospital and Clinics deals with SEIU, Local 715 Shop Stewards over  
4 labor disputes.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

6 SHC denies that, apart from grievances as described above, there been any labor disputes  
7 about which it would deal with any person.

8 **REQUEST FOR ADMISSION NO. 6:**

9 Admit that Stanford Hospital and Clinics deals with SEIU, Local 715 Shop Stewards over  
10 rates of pay.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

12 SHC admits that it has given notices regarding rates of pay to persons who, prior to  
13 March 1, 2007, were designated by Local 715 as shop stewards, but denies that it has dealt with  
14 anyone over rates of pay since March 1, 2007.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that Stanford Hospital and Clinics deals with SEIU, Local 715 Shop Stewards over  
17 hours of employment.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

19 SHC admits that it deals over hours of employment with persons who, prior to March 1,  
20 2007, were designated by Local 715 as shop stewards.

21 **REQUEST FOR ADMISSION NO. 8:**

22 Admit that Stanford Hospital and Clinics deals with SEIU, Local 715 Shop Stewards over  
23 conditions of work.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

25 SHC admits that it deals over conditions of work with persons who, prior to March 1,  
26 2007, were designated by Local 715 as shop stewards.

27 **REQUEST FOR ADMISSION NO. 9:**

28 Admit that SEIU, Local 715 is a labor organization representing employees in an industry

1 affecting commerce as defined by the National Labor Relations Act.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

3 SHC alleged in the Petition To Vacate the Arbitrator's decision issued concerning a  
4 grievance filed on or about April 25, 2006, and referred by Local 715 to arbitration prior to  
5 March 1, 2007, that Local 715 is "a labor organization representing employees in an industry  
6 affecting commerce within the territorial jurisdiction of this Court within the meaning of Section  
7 301." SHC admits that at the time the grievance was filed, and at the time it was referred to  
8 binding arbitration, both prior to March 1, 2007, Local 715 was a labor organization representing  
9 employees in an industry affecting commerce as defined by the National Labor Relations Act.  
10 After reasonable inquiry, based on information presently known or reasonably available, SHC  
11 lacks sufficient information at this time to admit or deny that Local 715 maintained this status  
12 after March 1, 2007. Discovery is ongoing.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that the Director of Employee and Labor Relations, Laurie Quintel, testified under  
15 oath on May 9, 2008 before an Administrative Law Judge of the National Labor Relations Board  
16 that Stanford Hospital and Clinics and Lucile Packard Children's Hospital deals with SEIU,  
17 Local 715 Shop Stewards with respect to the wages, hours, and terms and conditions of  
18 employment regarding workers represented by SEIU, Local 715.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

20 SHC denies that Director of Employee and Labor Relations Laurie Quintel testified under  
21 oath in any forum on May 9, 2008. SHC admits that Ms. Quintel testified at a hearing before  
22 Administrative Law Judge John J. McCarrick on May 6, 2008, but denies that her testimony was  
23 as described above.

24 **REQUEST FOR ADMISSION NO. 11:**

25 Admit that the National Labor Relations Board has certified SEIU, Local 715 as the  
26 exclusive representative of employees at Stanford Hospital and Clinics and Lucile Packard  
27 Children's Hospital pursuant to a Certification of Representation issued by the National Labor  
28 Relations Board in Case No. 32-RC-4504, as modified in Case No. 32-UC-363.



1 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

2 SHC admits that, pursuant to an order of the National Labor Relations Board dated  
3 November 30, 1998 in Case No. 32-RC-4504, as modified in Case No. 32-UC-363, SEIU Local  
4 715, AFL-CIO, CLC was certified as the exclusive collective-bargaining representative of a  
5 group of employees of SHC and Lucile Packard Children's Hospital ("LPCH") as set forth in  
6 that order.

7 **REQUEST FOR ADMISSION NO. 12:**

8 Admit that Stanford Hospital and Clinics and Lucile Packard Children's Hospital  
9 recognizes SEIU, Local 715 as the sole and exclusive representative for the purpose of collective  
10 bargaining for all full-time, part-time, and relief non-professional employees performing service  
11 and patient care functions employed at Stanford Hospital, Lucile Packard Children's Hospital,  
12 Welch Road and Blake Wilbur Drive.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

14 SHC admits that it recognized Local 715 as the sole and exclusive representative for the  
15 purposes of collective bargaining for all full-time, part-time, and relief non-professional  
16 employees performing service and patient care functions employed at Stanford Hospital, Lucile  
17 Packard Children's Hospital, Welch Road and Blake Wilbur Drive until March 1, 2007 or  
18 thereabouts. SHC believes that, after March 1, 2007 or thereabouts, Local 715 effectively ceased  
19 to exist and/or attempted to transfer its representational rights to Service Employees International  
20 Union, United Healthcare Workers – West. Discovery is continuing.

21 **REQUEST FOR ADMISSION NO. 13:**

22 Admit that Stanford Hospital and Clinics has not withdrawn recognition of SEIU,  
23 Local 715.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

25 Admitted.

26 **REQUEST FOR ADMISSION NO. 14:**

27 Admit that the Director of Labor Relations, Laurie Quintel, testified under oath on  
28 May 9, 2008 before an Administrative Law Judge of the National Labor Relations Board that

1 Stanford Hospital and Clinics has not withdrawn recognition of SEIU, Local 715.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

3 SHC denies that Director of Employee and Labor Relations Laurie Quintel testified under  
4 oath in any forum on May 9, 2008. SHC admits that Ms. Quintel testified at a hearing before  
5 Administrative Law Judge John J. McCarrick on May 6, 2008, and that at that hearing, she  
6 testified that, at that time, SHC had not withdrawn recognition from of Local 715.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that there is a collective bargaining agreement between SEIU, Local 715 and  
9 Stanford Hospital and Clinics and Lucile Packard Children's Hospital, effective January 20,  
10 2006 through November 4, 2008.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

12 SHC admits that, prior to March 1, 2007, SHC and Local 715 negotiated and executed a  
13 collective bargaining agreement, which agreement bears the effective dates of January 20, 2006  
14 through November 4, 2008.

15 **REQUEST FOR ADMISSION NO. 16:**

16 Admit that SEIU, Local 715 enjoys an irrebuttable presumption of continuing majority  
17 status for the duration of the collective bargaining agreement between Stanford Hospital and  
18 Clinics and Lucile Packard Children's Hospital.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

20 SHC admits that, if Local 715 in fact continues to exist, and if it has not transferred its  
21 representational right to another labor organization, whether properly or improperly, it would  
22 enjoy an irrebuttable presumption of continuing majority support for the duration of the  
23 collective bargaining agreement between SHC and Local 715.

24 **REQUEST FOR ADMISSION NO. 17:**

25 Admit that Stanford Hospital and Clinics and Lucile Packard Children's Hospital filed  
26 three unfair labor practice charges, Case Nos. 32-CB-6237, 32-CB-5350 and 32-CB-6351,  
27 alleging that SEIU, Local 715 failed to provide relevant and necessary information to Stanford  
28 Hospital and Clinics and Lucile Packard Children's Hospital, pursuant to its obligation as a labor

1 organization under the National Labor Relations Act.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

3 SHC admits that, on or around April 16, 2007, it filed an unfair labor practice charge  
4 against Local 715 designated Case No. 32-CB-6237 stating as the basis of the charge that:

5 Despite repeated requests, the Union refuses to provide the  
6 Employer with sufficient information to permit the Employer to  
7 determine whether the Union continues to exist as an active labor  
8 organization within the meaning of the Act.  
9 Repeated calls to the telephone number for the Union yield the  
10 response that it no longer exists. The Union's website,  
11 SEIU715.org, transfers the visitor to a website for SEIU521, which  
12 advises that SEIU Local 715 is now part of that local, and that the  
13 resources of Local 715 and four (4) other locals have been  
14 transferred to Local 521.

15 SHC admits that, on or around October 19, 2007, it filed an unfair labor practice charge  
16 against Local 715 designated Case No. 32-CB-6350 stating as the basis of the charge that:

17 The Union has failed and refused to provide information  
18 concerning whether the firm of Weinberg Roger & Rosenfeld is  
19 providing representational services directly on behalf of the Union,  
20 or on behalf of SEIU-UHW pursuant to an invalid servicing  
21 agreement between the Union and SEIU-UHW, which servicing  
22 agreement has previously been rejected by the Employer.

23 SHC admits that, on or around October 19, 2007, it filed an unfair labor practice charge  
24 against Local 715 designated Case No. 32-CB-6351 stating as the basis of the charge that:

25 The Union has refused to provide requested information relevant to  
26 the status and viability of SEIU, Local 715, for each month in the  
27 period from the announcement of the merger of Local 715 and four  
28 (4) other locals into Local 521 until the purported appointment of a  
"trustee" for SEIU, Local 715 by SEIU International.

29 **REQUEST FOR ADMISSION NO. 18:**

30 Admit that Region 32 of the National Labor Relations Board issued a Complaint, on  
31 behalf of Stanford Hospital and Clinics and Lucile Packard's Children's Hospital, against SEIU,  
32 Local 715 in Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351.

33 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

34 SHC admits that Region 32 of the National Labor Relations Board issued a complaint in

Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351. SHC denies that the complaint was issued on behalf of SHC and/or LPCH.

**REQUEST FOR ADMISSION NO. 19:**

Admit that Region 32 of the National Labor Relations Board alleged that SEIU, Local 715 “is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of [the National Labor Relations] Act.”

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

SHC admits that Region 32 of the National Labor Relations Board issued a complaint in Case Nos. 32-CB-6237, 32-CB-6350 and 32-CB-6351, and that Paragraph 4 of that complaint states that: “Respondent is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.”

**REQUEST FOR ADMISSION NO. 20:**

Admit that at no time during the hearing, on May 9, 2008, did Stanford Hospital and Clinics and Lucile Packard Children’s Hospital object to the allegation that SEIU, Local 715 “is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of [the National Labor Relations] Act.”

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

SHC denies that any hearing took place on May 9, 2008. SHC further denies that it was in a position to object to, or otherwise file pleadings responsive to the Complaint issued by Region 32 of the National Labor Relations Board.

**REQUEST FOR ADMISSION NO. 21:**

Admit that had Stanford Hospital and Clinics and Lucile Packard Children’s Hospital objected to the allegation that SEIU, Local 715 “is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of [the National Labor Relations] Act” the Complaint issued by Region 32 of the National Labor Relations Board would have been dismissed because of SEIU, Local 715’s lack of standing as a labor organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

SHC objects to Request For Admission No. 21 on the grounds that it requests an

admission based on speculation regarding the hypothetical actions of third parties based upon a hypothetical fact pattern. As SHC cannot ascertain such facts, it can neither admit nor deny the content of the request for admission.

**REQUEST FOR ADMISSION NO. 22:**

Admit that because SEIU, Local 715 is an existing labor organization, under Section 8(g) of the National Labor Relations Act, if it chose to engage in any strike, picketing, or other concerted refusal to work at Stanford Hospital and Clinics and Lucile Packard Children's Hospital, it must notify in writing Stanford Hospital and Clinics and Lucile Packard Children's Hospital and the Federal Mediation and Conciliation Service of its intent to do so, not less than ten days prior to engaging in any strike, picketing, or other concerted refusal to work.

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

SHC objects to the request for admission on the grounds that it seeks information that is not relevant to a claim or defense of any party and that it calls for a conclusion of law. Notwithstanding such objections, SHC admits that if Local 715 is in fact a labor organization, it would be required to give notice to SHC and LPCH before engaging in any strike, picketing, or other refusal to work at SHC and/or LPCH under Section 8(g) of the National Labor Relations Act, and that, if Local 715 is in fact a labor organization, it would be prohibited from engaging in a strike, concerted refusal to work, or any picketing other than informational picketing against SHC and/or LPCH by an existing collective bargaining agreement, whether or not it gave the notice required under Section 8(g).

Dated: June 11, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R. RIDLEY  
SCOTT P. INCIARDI

By: 

EILEEN R. RIDLEY  
Attorneys for Petitioners  
Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital

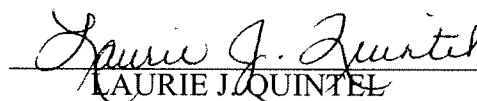
**VERIFICATION**

I, Laurie J. Quintel, declare:

I am the Director of Employee and Labor Relations for Stanford Hospital and Clinics ("SHC"), and am authorized to make this verification for, and on behalf of, SHC. I have read SHC's "Response To Respondent's Request For Admissions Under Rule 36 (Set One)" and know its contents. The information is true and correct of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: July 10, 2008

  
LAURIE J. QUINTEL



**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **July 11, 2008**, I served the foregoing document(s) described as: **PETITIONER STANFORD HOSPITAL AND CLINICS' RESPONSE TO RESPONDENT'S REQUEST FOR ADMISSIONS UNDER RULE 36 (SET ONE)**, Case No. **5:07-CV-05158-JF**, on the interested parties in this action as follows:

☒ BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

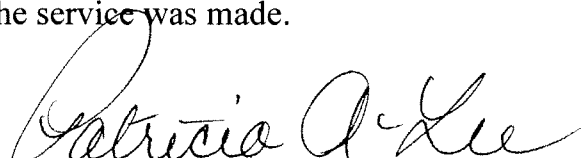
☒ BY EXPRESS SERVICE CARRIER (**Via Overnight Courier Service**)

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **July 11, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Patricia A. Lee